

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



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STAFF RECOMMENDATION

ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-008-06
Staff:	LJS-SF
File Date:	2/01/2006
60 th Day:	4/02/2006
75 th Day:	4/17/2006
Commission Meeting:	3/10/2006

FEDERAL AGENCY: U.S. Navy

PROJECT LOCATION: Naval Base San Diego (Exhibits 1 and 2)

PROJECT DESCRIPTION: Construction of 941 housing units in four 18-story towers and 1,085 parking spaces in a 6-story structure.

EXECUTIVE SUMMARY

The U.S. Navy has submitted a consistency determination for construction of bachelor housing in three buildings (incorporating four 18-story high rise towers), a six-story parking structure to accommodate 1,085 parking spaces, a 3.7-acre surface parking lot with 360 spaces, recreational amenities, and landscaped areas. The proposed 19-acre housing project is located within Naval Base San Diego (NBSD), on the eastern side of San Diego Bay, and would occupy land that currently is used as a Navy nine-hole golf course, driving range, and parking lot. The project site is located in an area of NBSD that includes numerous bachelor housing residential structures. While most are two- and three-story buildings, the Navy has constructed an eight-story building two blocks south of the project site and 10-story and 12-story buildings immediately southeast of the project site.

While the proposed project is consistent with the adjacent and surrounding residential land uses on the base, the four 18-story-high towers would adversely affect visual resources within the coastal zone. In the immediate project area there are 8-, 10-, and 12-story military housing high rise buildings, and a greater number of two- and three-story buildings. However, high rise buildings have historically been restricted in the San Diego Bay area, except for within downtown San Diego where building heights reach 500 feet. The Navy's proposed construction of new, highly visible, 18-story high rise buildings would set an adverse precedence for allowing tall, bulky structures at other locations along the San Diego Bay waterfront. In addition, the project would not protect scenic views towards San Diego Bay from southbound Interstate 15 (a primary public access route to the southern San Diego Bay area). Proposed housing development on the site should include a design and footprint that would not contribute to an expansion of high rise structures along the waterfront zone of San Diego Bay outside of areas where such structures presently exist.

For these reasons, in order for the proposed housing project to be found consistent with the visual resource policies of the CCMP, the project would need to be modified as follows:

The U.S. Navy will prepare a revised site plan for military housing in high rise buildings at the golf course/driving range site that would protect scenic views of San Diego Bay from southbound Interstate 15 at and near the junction with Interstate 5. Proposed high rise residential towers should be no taller than the existing high rise towers adjacent to the project site and should be rearranged closer to the existing towers to the degree possible so as to concentrate high rise development and protect existing views from I-15 south and west across NBSD towards southern San Diego Bay.

Absent such a redesign, the proposed project is not consistent with the character of the surrounding area or with the visual resource and cumulative impact policies of the CCMP. However, if the Navy were to redesign the project as described above, the modified project could be found consistent with the visual resource and cumulative impact policies of the CCMP (Coastal Act Sections 30250(a) and 30251).

The proposed development will convert a portion of the existing golf course and driving range into a residential housing complex with the resulting introduction of nine acres of impervious surfaces from buildings and parking lots. This land use conversion and housing development could increase the quantity and flow rates of storm water and dry weather runoff to San Diego Bay. The project includes numerous water quality protection measures, primarily in the context of the NPDES permit, the SWPPP, and construction and operational BMPs. However, additional water quality protection measures are necessary beyond those proposed by the Navy. In order for the proposed project to be consistent with the water quality policy of the CCMP, the project would need to be modified to assure that the water quality measures will include treating all dry weather runoff and all storm runoff from storms smaller than or equal to the 85th percentile design storm, using design criteria for BMPs based on the recommendations in the latest edition of the California Association of Stormwater Quality Agencies BMP Handbook, or, if these cannot be met, an alternative water quality treatment system that provides equivalent water quality protection. The plan should also minimize impervious surfaces.

Absent these specific water quality features, the project is not consistent with the water quality policy of the CCMP. However, if the Navy were to incorporate these features into a redesigned project (see visual resources, above), the modified project could be consistent with the water quality policy of the CCMP (Coastal Act Section 30231).

The project is located within the boundaries of Naval Base San Diego in an area closed to the public for military security reasons. In addition, the shoreline of San Diego Bay within NBSD is presently occupied by military vessel berthing and support operations, thereby precluding any public access or recreation opportunities. The proposed housing project is expected to reduce traffic between NBSD and adjacent off-base areas, as military personnel who formerly commuted to NBSD from other San Diego area military bases or from private sector rental housing would now be able to reside in close proximity to work stations on NBSD. The proposed housing project will not adversely affect public access to or along the shoreline of San Diego Bay and is consistent with the public access and recreation policies of the CCMP (Coastal Act Sections 30210, 30211, and 30212(a)).

STAFF SUMMARY AND RECOMMENDATION

I. Project Description. The U.S. Navy proposes to construct up to 941 units of bachelor housing units in three buildings (incorporating four 18-story high rise towers and an outdoor swimming pool), a six-story parking structure to accommodate 1,085 parking spaces, a 3.7-acre surface parking lot with 360 spaces, recreational amenities (e.g., soccer field, volleyball and basketball courts), and landscaped areas. The proposed 19-acre housing project is located within Naval Base San Diego (NBSD), on the eastern side of San Diego Bay between the San Diego – Coronado Bay Bridge and the National City Marine Terminal. The project site is located between Main Street (the eastern boundary of NBSD) and Norman Scott Road and would occupy land that is currently used as a Navy nine-hole golf course, driving range, and parking lot (**Exhibits 1-4**).

The Navy states in its consistency determination that:

The current inventory of military bachelor housing is insufficient for adequately housing the Region's unaccompanied Navy personnel. By 2007, the San Diego metro region alone is projected to have a deficit of required housing for 7,125 bachelor personnel. Moreover, the Navy's "Sailors Ashore" policy, which requires that the Navy house all ship-based sailors in adequate shore-based housing by 2008, is expected to further increase the demand for quality housing among Navy bachelor personnel. Bachelor personnel not housed in existing military unaccompanied housing facilities must compete against civilian and military families seeking private sector housing within a reasonable commute of the metro region. Moreover, some bachelor personnel housed in existing bachelor housing are housed in inadequate, overcrowded housing.

The purpose of this proposed development action is to provide suitable affordable housing for enlisted Navy unaccompanied personnel employed in the San Diego metro region.

The project site is located in an area of NBSD that includes numerous bachelor housing residential structures (**Exhibits 2-3**). While most are two- and three-story buildings, the Navy has constructed an eight-story structure (Bldg. 3362 two blocks to the south of the project site) and 10-story and 12-story structures (Bldgs. 3380 and 3621, immediately to the southeast of the project site). The most recent of these high-rise structures – the 12-story Building 3621 – was the subject of Negative Determination ND-034-02. The other high rise residential buildings were not reviewed by the Commission or its staff.

II. Federal Agency's Consistency Determination. The U.S. Navy has determined the project consistent to the maximum extent practicable with the California Coastal Management Program (CCMP).

III. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

Motion: I move that the Commission **concur** with the U.S. Navy's consistency determination CD-008-06 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable with the enforceable policies of the California Coastal Management Program (CCMP).

Staff Recommendation:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in an objection to the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

Resolution to Object with Consistency Determination:

The Commission hereby **objects** to the consistency determination made by the U.S. Navy for the proposed project, finding that: (1) the project is not consistent with the California Coastal Management Program; and (2) the project is not consistent to the maximum extent practicable with the California Coastal Management Program.

IV. Applicable Legal Authorities. Section 307 of the Coastal Zone Management Act (CZMA) provides in part:

(c)(1)(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.

A. Procedure if the Commission finds that the proposed activity is inconsistent with the CCMP.

Section 930.43(a) of the federal consistency regulations (15 CFR § 930.43(a)) requires that, if the Commission's objection is based on a finding that the proposed activity is inconsistent with the CCMP, the Commission must identify measures, if they exist, that would bring the project into conformance with the CCMP. That section states that:

(a) In the event the State agency objects to the Federal agency's consistency determination, the State agency shall accompany its response to the Federal agency with its reasons for the objection and supporting information. The State agency response shall describe: (1) How the proposed activity will be inconsistent with specific enforceable policies of the management program; and (2) The specific enforceable policies (including citations).(3) The State agency should also describe alternative measures (if they exist) which, if adopted by the Federal agency, would allow the activity to proceed in a manner consistent to the maximum extent practicable with the enforceable policies of the management program. Failure to describe alternatives does not affect the validity of the State agency's objection.

As described below in the Visual Resources and Water Quality sections of this report, the proposed project is not consistent to the maximum extent practicable with the CCMP. Pursuant to the requirements of Section 930.43 of the federal regulations implementing the CZMA, the Commission is responsible for identifying measures, if they exist, that would bring the project into compliance with the CCMP. The Commission believes that it would be possible to bring this project into compliance with the CCMP if the U.S. Navy implements the following measures:

1. Visual Resources. The U.S. Navy will prepare a revised site plan for military housing in high rise buildings at the golf course/driving range site that would protect scenic views of San Diego Bay from southbound Interstate 15 at and near the junction with Interstate 5. Proposed high rise residential towers should be no taller than the existing high rise towers adjacent to the project site and should be rearranged closer to the existing towers to the degree possible so as to concentrate high rise development and protect existing views from I-15 south and west across NBSD towards southern San Diego Bay.

2. Water Quality. The U.S. Navy will prepare a water quality protection plan for the revised military housing project at Naval Base San Diego. The plan will include the water quality protection measures described in the consistency determination (including the SWPPP and any conditions attached to the project NPDES permit) and in addition will include the following measures:

- a. The project water quality treatment system will treat all dry weather runoff and all storm runoff from storms smaller than or equal to the 85th percentile design storm (0.6 in./24 hours for volume based Best Management Practices (BMPs) and 0.2 in./hr

for flow based BMPs), including that amount of storm runoff from larger storms, with a suite of BMPs that meet the design criteria below.

- b. The design criteria for BMPs shall be based on the recommendations in the latest edition of the California Association of Stormwater Quality Agencies (CASQA) BMP Handbook.
- c. If the proposed suite of BMPs cannot meet the two conditions above, then the Navy will provide an alternative water quality treatment system that provides equivalent water quality protection, for review and approval by the Executive Director.

The plan will also include details on the use of pervious surfaces for the project including, at a minimum, the use of pervious surfaces for walkways on the project site, and an analysis of the potential use of pervious surfaces for all or part of the project's surface parking lot.

B. Consistent to the Maximum Extent Practicable.

Section 930.32 of the federal consistency regulations provides, in part, that:

(a)(1) The term “consistent to the maximum extent practicable” means fully consistent with the enforceable policies of management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

The Commission recognizes that the standard for approval of federal projects is that the activity must be “consistent to the maximum extent practicable” (CZMA Section 307(c)(1)). This standard allows a federal activity that is not fully consistent with the CCMP to proceed, if compliance with the CCMP is “prohibited [by] existing Federal law applicable to the Federal agency's operations.”¹ The U.S. Navy did not provide any documentation to support a maximum extent practicable argument in its consistency determination or in any subsequent documents. Therefore, there is no basis to conclude that existing law applicable to the Federal agency prohibits full consistency.

C. Federal Agency Response to Commission Objection. Section C(a)(i) of Chapter 11 of the CCMP requires federal agencies to inform the Commission of their response to a Commission objection. This section provides:

If the Coastal Commission finds that the Federal activity or development project ... is not consistent with the management program, and the federal agency disagrees and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination, it may request that the Secretary of Commerce seek to mediate the serious

¹ 15 CFR Section 930.32.

disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.

The federal consistency regulations reflect a similar obligation; 15 CFR §930.43 provides:

State agency objection. ...

(d) In the event of an objection, Federal and State agencies should use the remaining portion of the 90-day notice period (see §930.36(b)) to attempt to resolve their differences. If resolution has not been reached at the end of the 90-day period, Federal agencies should consider using the dispute resolution mechanisms of this part and postponing final federal action until the problems have been resolved. At the end of the 90-day period the Federal agency shall not proceed with the activity over a State agency's objection unless: (1) the Federal agency has concluded that under the "consistent to the maximum extent practicable" standard described in section 930.32 consistency with the enforceable policies of the management program is prohibited by existing law applicable to the Federal agency and the Federal agency has clearly described, in writing, to the State agency the legal impediments to full consistency (See §§930.32(a) and 930.39(a)), or (2) the Federal agency has concluded that its proposed action is fully consistent with the enforceable policies of the management program, though the State agency objects.

(e) If a Federal agency decides to proceed with a Federal agency activity that is objected to by a State agency, or to follow an alternative suggested by the State agency, the Federal agency shall notify the State agency of its decision to proceed before the project commences.

V. Findings and Declarations:

The Commission finds and declares as follows:

A. Visual Resources. The Coastal Act provides the following:

Section 30250(a). New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effect, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and

designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Navy's consistency determination examines the project's conformance with existing land uses and the potential for creating adverse effects on visual resources, stating:

The proposed development would be consistent with the current general land use pattern and densities in the immediate surrounding area. The project site is surrounded by existing bachelor housing residences and associated parking lots occur adjacent to the southern border of the parcel (Building 3380) and the eastern boundaries of the site (multiple barracks facilities adjacent to Norman Scott Road). In addition, housing is also sited immediately northwest of the site (Buildings 371 and 372).

The proposed housing development would not result in the alteration of landforms and would be visually compatible with the surrounding character of the area. The project site is surrounded on the west by BEQs, a parking lot, golf course, and office buildings. Off-base and directly east of the proposed site is an industrial area comprised of auto repair shops, manufacturing uses, some commercial uses, and Interstate 5. Farther inland, and east of I-5, land uses are comprised of residential, commercial, and industrial developments. NBSD is not distinguishable from other areas along the coast due to the relative flatness of the San Diego coastal area.

Building style is anticipated to be consistent with adjacent bachelor housing. Both the architectural style and the street pattern would be visually compatible with existing residential patterns adjacent to the site.

The proposed housing development includes three 18-story high rises and one 6-story parking structure. The height to the top of the apartments on the 18th floor is 184'. The top of the beacon is 212'. Figure 3 shows a site plan with adjacent structures, and their associated heights. Most structures near the proposed site are 3 stories tall, with the exception of Building 3621 which is 12-stories tall and Building 3380 which is 10-stories tall.

Due to the scale of the proposed project, the Navy has conducted a site investigation, and determined the project will have negligible impact to visual resources. The areas east, southeast, and northeast of the proposed project site including public areas, e.g. parks, roads, highways, and residential areas in both level and elevated portions of San Diego and National City were surveyed. The dominant characteristics of the skyline throughout these areas are buildings, interspersed with cranes (from waterfront operations), power lines, and trees. Two areas were identified as having distant, partial views of NBSD and NASSCO shipyards during the survey: the elevated connection ramp from I-15 to I-5, and along Main

Street, just east of the proposed site. Figures 4, 5, 6, and 7 show views from these two locations, and how the proposed development will affect those views. No other areas provided views of coastal resources.

In terms of land use, the Commission agrees that the proposed military housing project is consistent with the adjacent and surrounding residential land uses on the base. However, the Commission disagrees with the Navy's determination that the proposed high rise towers would not adversely affect visual resources within the coastal zone. Prior to the analysis of this issue, a point of clarification regarding an element of the proposed development is required. The consistency determination states that the project includes *three* 18-story buildings. While this is technically correct when looking at the building footprints, *four* 18-story-tall high rise towers would in fact be constructed. The two easterly towers would arise from a shared building base and would be connected by a 9-story-tall portion of the building, on top of which would be placed an outdoor swimming pool (**Exhibit 4**).

As noted in Section I of this report, the Commission acknowledges that in the immediate project area there are 8-, 10-, and 12-story military housing high rise buildings, and a greater number of two- and three-story buildings. However, the Commission also notes that high rise buildings have historically been restricted in the San Diego Bay area. The City of San Diego has generally adopted a 30-foot high limit in the coastal zone, except for that portion in the downtown area which supports numerous high rise structures up to 500 feet in height. National City and Chula Vista are currently developing LCP amendments that would allow high rise buildings within their coastal zones. The Commission is concerned that the Navy's proposed construction of new, highly visible, 18-story high rise buildings outside of San Diego's main downtown area would set an adverse precedence for allowing tall, bulky structures at other locations along the San Diego Bay waterfront. The Commission finds that proposed housing development on the site should include a design and footprint that would not contribute to an expansion of high rise structures along the waterfront zone of San Diego Bay outside of areas where such structures presently exist.

The proposed 18-story high rise towers at NBSD represent a significant increase in height over the three existing 8-, 10-, and 12-story towers at NBSD and as designed would contribute to a cumulative degradation of public views that presently exist towards the bay out across the built (and relatively low-rise) landscape of NBSD. The photo illustrations submitted by the Navy (**Exhibits 5-8**) to support its position that the proposed buildings will have a negligible impact on visual resources are, in the Commission's view, actually supportive of the Commission's position that the project's height, bulk, and footprint will create adverse impacts to visual resources by introducing a scale and intensity of development that does not exist on the eastern shoreline of San Diego Bay south of downtown San Diego. The Commission finds that, as proposed, the project would not be visually compatible with the character of the surrounding area, would not protect scenic views from southbound Interstate 15 (a primary public access route to the southern San Diego Bay area) towards San Diego Bay, and would therefore be inconsistent with Section 30251 of the Coastal Act. The Commission further finds that the proposed project would be inconsistent with the requirement of Section 30250(a) to avoid cumulative effects on coastal resources (which include visual character).

For these reasons, the Commission determines that in order for the proposed military housing project at Naval Base San Diego to be found consistent with the visual resource policies of the CCMP, the project would need to be modified as follows:

The U.S. Navy will prepare a revised site plan for military housing in high rise buildings at the golf course/driving range site that would protect scenic views of San Diego Bay from southbound Interstate 15 at and near the junction with Interstate 5. Proposed high rise residential towers should be no taller than the existing high rise towers adjacent to the project site and should be rearranged closer to the existing towers to the degree possible so as to concentrate high rise development and protect existing views from I-15 south and west across NBSD towards southern San Diego Bay.

Absent such a redesign, the Commission could not find the proposed project consistent with the visual resource and cumulative impact policies of the CCMP (Coastal Act Sections 30250(a) and 30251).

In addition, the Commission believes that in conjunction with the redesign of the proposed housing project, it would be useful to receive information from the Navy regarding upcoming or planned development projects at NBSD (or, ideally, all the Navy bases near San Diego Bay on which the Navy anticipates extensive new housing projects). Such information would provide a larger context in which to evaluate individual projects for potential coastal zone impacts and would allow for an examination of project alternatives (in the subject case, alternative building heights, building footprints on the project site, and other on-base locations for the project), both of which would assist the Commission in its efforts to determine a project's consistency with the CCMP.

B. Water Quality. The Coastal Act provides the following:

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Navy's consistency determination states that the proposed project would have no adverse effects on coastal zone water quality and marine resources. The Navy reports that the 19-acre project site is located within an existing urbanized area, although the site is currently a landscaped golf course/driving range with a small parking on its western edge. The proposed project calls for approximately nine acres of hard-surface development (building footprints and parking lots) and ten acres of landscaped areas. The Navy states that the decrease in landscaped

area will lead to less use of fertilizers and pesticides on the site, and that drought-tolerant landscaping and low-flow irrigation systems will reduce the volume of irrigation and irrigation runoff when compared to the present situation.

The consistency determination reports that project construction must comply with the Federal Clean Water Act as implemented by the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS 000002, Order No. 92-08-DWQ, "Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity." The Navy reports that:

Compliance with the general construction permit requirements for this proposed project will require the elimination or reduction of non-storm water discharges to storm water systems, the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP), inspection of all storm water control structures, and implementation of other pollution prevention measures such as Best Management Measures (BMPs). The SWPPP must be implemented at the beginning of construction activities and kept on site during the project.

Because construction crews would comply with the SWPPP, the project impact of increased erosion potential would be less than significant. To comply with the Clean Water Act, the construction contractor shall file a Notice of Intent (NOI) with the State Water Resources Control Board before proposed site development. The contractor shall provide a SWPPP for the various crews performing work on the construction site to satisfy the requirements of the NPDES permit. The SWPPP will include the specific measures and techniques to be implemented to protect the proposed site and adjacent areas from erosion and depositing during site grading and construction.

The potential impact on surface water quality associated with urban areas developed on the proposed site would be reduced to less than significant levels by implementation of BMPs. The BMPs would be implemented to the satisfaction of the NPDES program requirements to protect receiving waters from degradation during project construction and operations. The specific measures for construction would include, at a minimum, the following:

- *Erosion and siltation of offsite areas during construction will be minimized. The contractor responsible for site development will prepare an erosion control plan. The erosion control plan will be submitted to the Naval Facilities Engineering Command Southwest for review and approval before construction. The plan will include, at a minimum, the use of hay bales, silt fences, siltation basins, or other devices as necessary to stabilize the soil in denuded or graded areas during the construction and revegetation phases of the project.*

Subsequent to construction, the site will be managed to comply with applicable RWQCB (Regional Water Quality Control Board) NPDES requirements. In connection with the operation and maintenance of this housing development, the Navy would require the "public/private venture" partner to place limitations on the use of fertilizers and pesticides.

BMPs will be developed for the site to ensure storm water pollution prevention. Examples of typical BMPs that can be implemented to meet NPDES requirements are listed below.

- *Washing down paved surfaces will be prohibited. Implement measures to prevent erosion or sediment runoff, e.g. sweeping the site.*
- *Use of fertilizers and pesticides for site landscaping shall be kept to a minimum and shall be considered a “last resort” after pruning, selective replacement, and strict water control.*
- *Site litter shall be strictly controlled and trash containers shall be provided throughout the proposed site.*
- *Vegetation of permeable surface areas with native, drought tolerant plant species shall be provided and will help attenuate soil loading.*

The proposed development will convert a portion of the existing golf course and driving range into a residential housing complex with the resulting introduction of nine acres of impervious surfaces from buildings and parking lots (**Exhibits 3 and 4**). This land use conversion and housing development could increase the quantity and flow rates of storm water and dry weather runoff to San Diego Bay. The major pollutant classes of concern with this type of development are heavy metals; oils, grease, and hydrocarbons; trash; suspended sediments; and pesticides.

As noted above, the consistency determination includes numerous water quality protection measures, primarily in the context of the NPDES permit, the SWPPP, and construction and operational BMPs. However, the Commission now routinely requires that a development project with the potential to adversely affect water quality includes a water quality protection plan that: (1) addresses the above-referenced major pollutant classes of concern; (2) includes a suite of treatment control BMPs needed to treat the amount of runoff from the 85th percentile storm event (0.6 in./24 hours for volume based BMPs and 0.2 in/hr for flow based BMPs); and includes BMPs based on the latest edition of the *California Association of Stormwater Quality Agencies (CASQA) BMP Handbook*. If the design criteria in the *CASQA BMP Handbook* are not practicable for a particular project site, the Commission has required the development sponsor to submit alternative design criteria that provide equivalent water quality protection for review and approval by the Executive Director.

The Commission notes that given the proposed transformation of the existing golf course/driving range into a housing complex, and the extent of paved surfaces in the proposed development plan (e.g., buildings, parking lots, recreation courts, plazas, pathways), the use of pervious pavement for some of these surfaces would be an appropriate source control BMP for this project. Use of such materials would benefit coastal waters and marine organisms by helping to minimize increases in total volume and peak runoff rate of stormwater to marine waters. Pervious pavement would slow runoff and allow significant amounts of rainfall to infiltrate into the underlying soil. As the infiltrated water moves slowly to San Diego Bay it would be treated by filtration of sediments and adsorption of metals and hydrocarbons. In soil, hydrocarbons and

some organic chemicals are broken down into components by oxidation and biological processes. As stormwater passes through soils, metals are adsorbed onto soil particles and at the levels typically found in stormwater runoff, these metals do not create a significant accumulation or threat to water quality.

For these reasons, the Commission determines that in order for the proposed military housing project at Naval Base San Diego to be found consistent with the water quality policy of the CCMP, the project would need to be modified as follows:

The U.S. Navy will prepare a water quality protection plan for the revised military housing project at Naval Base San Diego. The plan will include the water quality protection measures described in the consistency determination (including the SWPPP and any conditions attached to the project NPDES permit) and in addition will include the following measures:

- a. The project water quality treatment system will treat all dry weather runoff and all storm runoff from storms smaller than or equal to the 85th percentile design storm (0.6 in./24 hours for volume based Best Management Practices (BMPs) and 0.2 in./hr for flow based BMPs), including that amount of storm runoff from larger storms, with a suite of BMPs that meet the design criteria below.
- b. The design criteria for BMPs shall be based on the recommendations in the latest edition of the California Association of Stormwater Quality Agencies (CASQA) BMP Handbook.
- c. If the proposed suite of BMPs cannot meet the two conditions above, then the Navy will provide an alternative water quality treatment system that provides equivalent water quality protection, for review and approval of the Executive Director.

The plan will also include details on the use of pervious surfaces for the project including, at a minimum, the use of pervious surfaces for walkways on the project site, and an analysis of the potential use of pervious surfaces for all or part of the project's surface parking lot.

Absent these specific water quality features, the Commission could not find the project consistent with the water quality policy of the Coastal Act. However, if the Navy were to incorporate these features into a redesigned project (see previous section of this report), the Commission could find such a modified project consistent with the water quality policy of the CCMP (Coastal Act Section 30231).

C. Public Access. The Coastal Act provides the following:

Section 30210. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the

need to protect public rights, rights of property owners, and natural resource areas from overuse.

Section 30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a). Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources

The proposed project is located within the boundaries of Naval Base San Diego (NBSD), located on the eastern shore of San Diego Bay between the San Diego – Coronado Bay Bridge and the National City Marine Terminal. The housing site is located within an area of NBSD closed to the public for military security reasons and the shoreline of San Diego Bay within NBSD is presently occupied by military vessel berthing and support operations, thereby precluding any public access or recreation opportunities (**Exhibit 2**). As a result, the proposed project will not affect existing public access nor does it trigger the need for provision of such access. The Navy states that the proposed housing project is expected to reduce traffic between NBSD and adjacent off-base areas. Military personnel who formerly commuted to NBSD via private automobile from other San Diego area military bases or from private sector rental housing in the greater San Diego area would now be able to reside in close proximity to work stations on NBSD. As a result, the proposed project is not expected to generate any adverse effects on highways or roads used for public access off the base. The Commission agrees with the Navy and concludes that the proposed housing project will not adversely affect public access to or along the shoreline of San Diego Bay and is consistent with the public access and recreation policies of the CCMP (Coastal Act Sections 30210, 30211, and 30212(a)).



J ENLARGEMENT

PROJECT SITE

NATIONAL CITY

EXHIBIT NO.	1
APPLICATION NO.	
	CD-008-06

A

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X

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Figure 4
Project Vicinity Map

Source: NAVSTA 2004 (aerial), FEMA - June 1997



Scale: 1 : 13,200; 1 inch = 1,100 feet



EXHIBIT NO. <u>2</u>
APPLICATION NO.
<u>CD-008-06</u>

Figure 4: View from highway flyover from southbound I-15 to southbound I-5, north of Figure 6. Slight scenic coastal views exist.

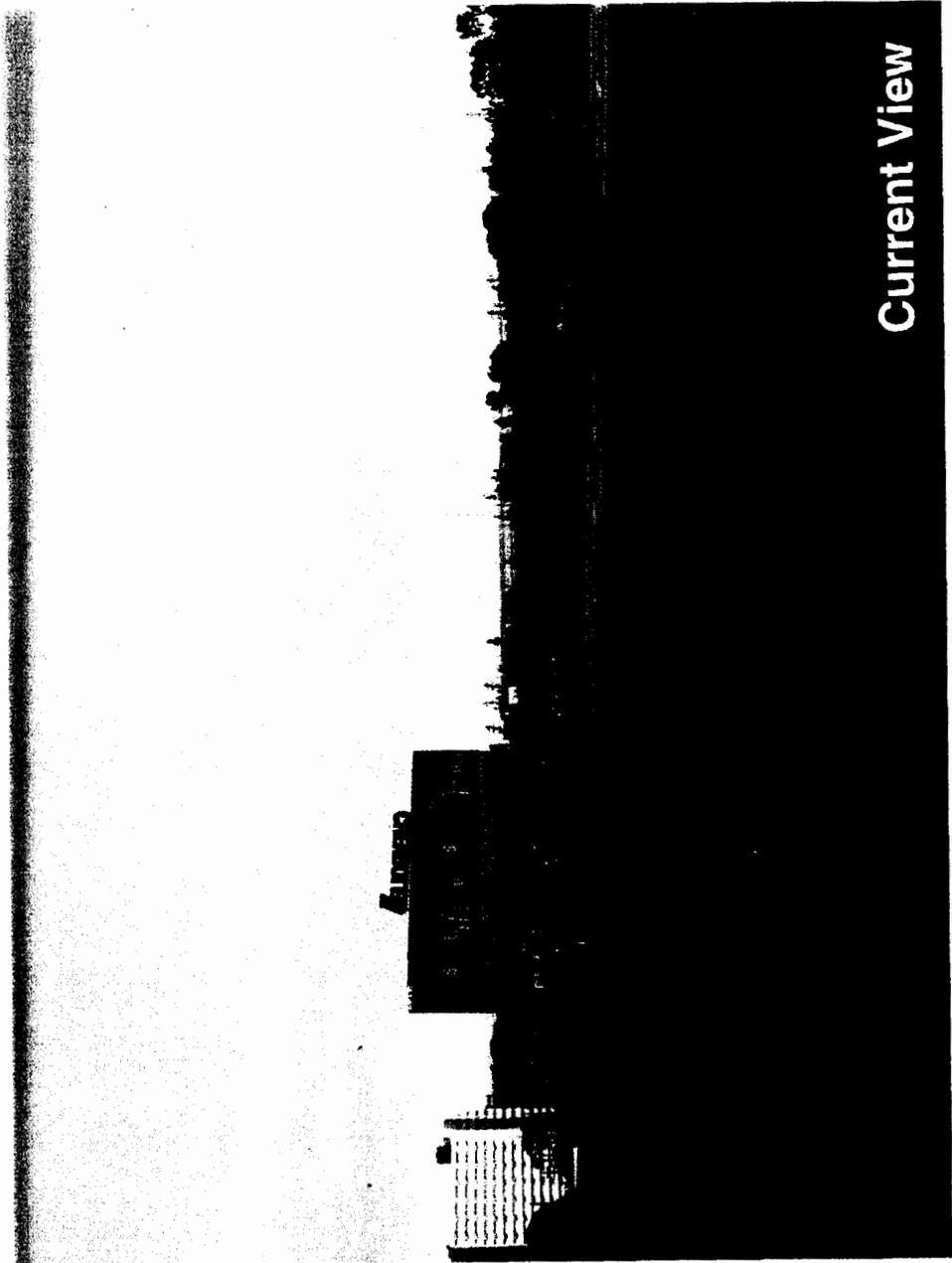


EXHIBIT NO. 5
APPLICATION NO.
CD-008-06

Figure 5: View from highway flyover from southbound I-15 to southbound I-5, north of Figure 6. Impact on coastal scenic view:
Not Significant

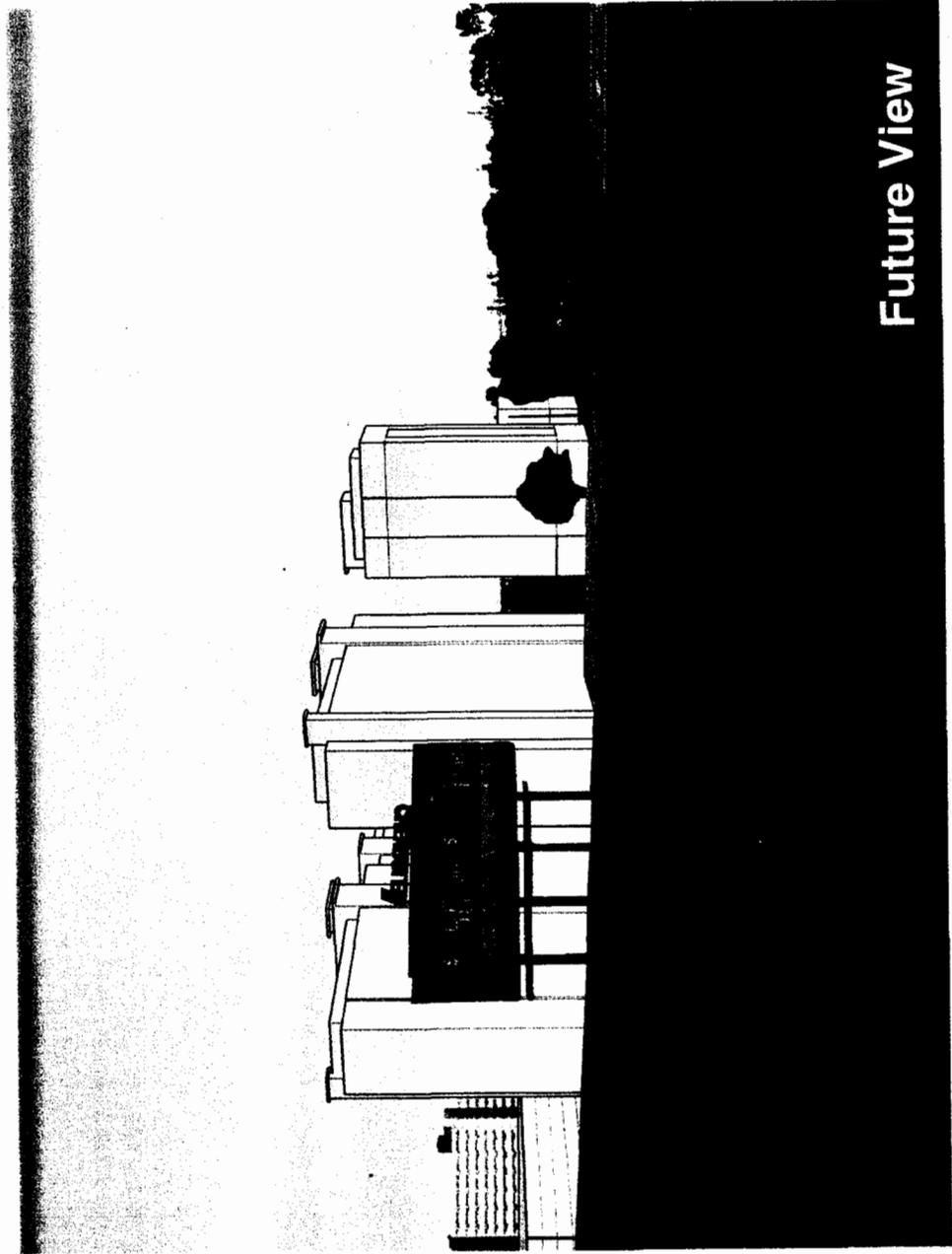


EXHIBIT NO. 6
APPLICATION NO.
CD-008-06

Figure 6: View from highway flyover from southbound I-15 to southbound I-5, south of Figure 4. Slight scenic coastal views exist.

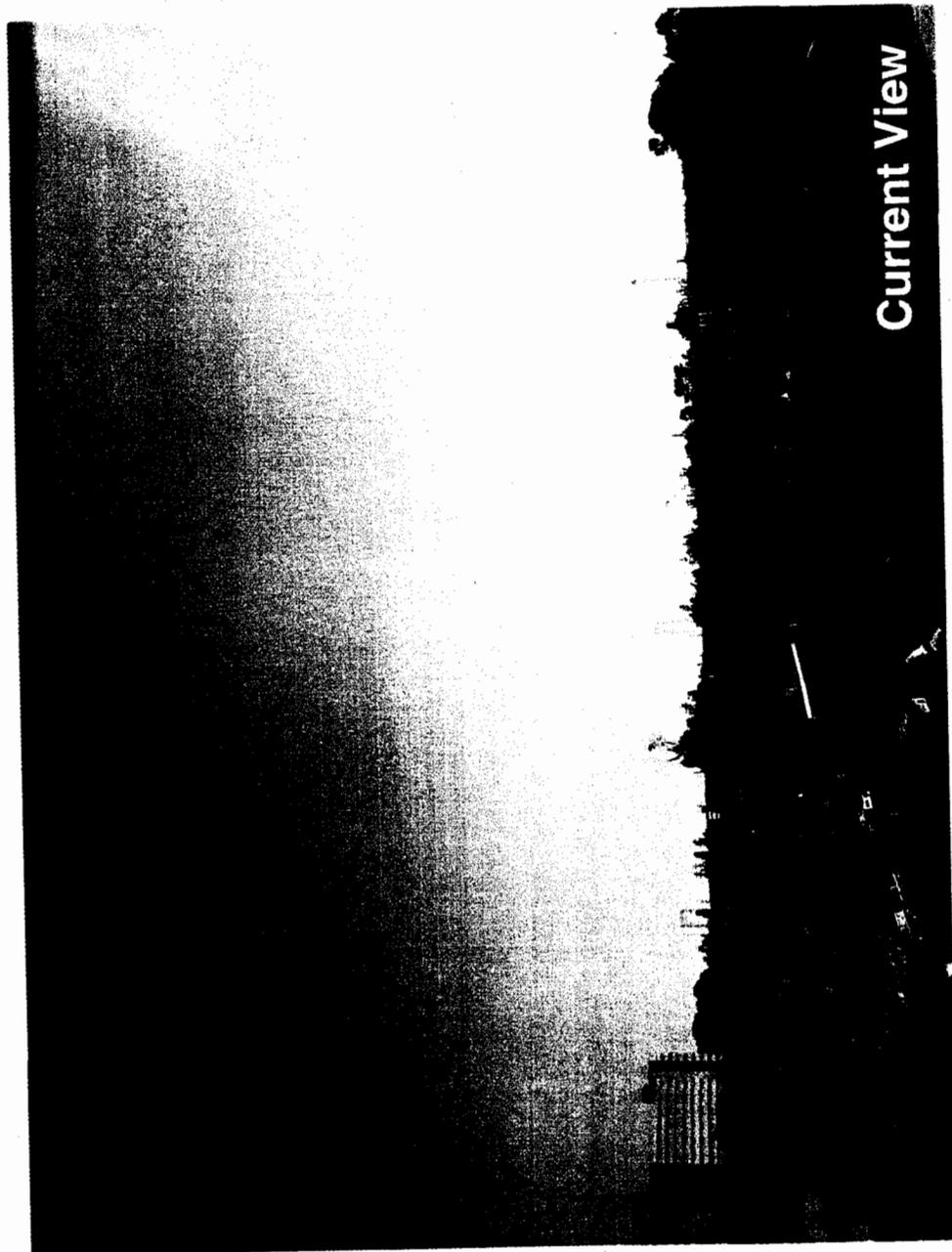


EXHIBIT NO. 7
APPLICATION NO.
CD-208-06

Figure 7: Future view from highway flyover from southbound I-15 to southbound I-5, south of Figure 4.
Impact on coastal scenic view: Not Significant



EXHIBIT NO.	8
APPLICATION NO.	
	CD-008-06